

780 CMR R7

CERTIFICATION OF INSPECTORS OF BUILDINGS, BUILDING COMMISSIONERS AND LOCAL INSPECTORS

FORWARD

Contained herein are the *RULES and REGULATIONS* for the certification of all inspectors of buildings, building commissioners and local inspectors (collectively referred to as building code enforcement officials) of the Board of Building Regulations and Standards (BBRS). In accordance with M.G.L. c. 143 §§3 and 94, the BBRS is authorized to adopt rules and regulations which govern the administration of such program.

780 CMR R7 covers the certification rules and regulations for inspector of buildings, building commissioners and local inspectors as defined in M.G.L. c. 143, § 3, and 780 CMR 105.

General Provisions

- R7.1.1 Title
- R7.1.2 Definitions
- R7.1.3 Scope, intent
- R7.1.4 Powers and duties
- R7.1.5 Inspector Certification Advisory Committee (Building Official Certification Committee)
- R7.1.6 Categories of certification
- R7.1.7 Certifications required

Requirements for Initial Certification

- R7.2.1 Application
- R7.2.2 Building Code Enforcement Officials in office as of November 12, 1992
- R7.2.3 After November 12, 1992
- R7.2.4 Requirements for certification as a local inspector
- R7.2.5 Requirements for certification as an inspector of buildings/building commissioner

Requirements for Maintenance of Certification

- R7.3.1 Continuing education
- R7.3.2 Renewal of certification

Procedures for Complaints

- R7.4.1 Complaints
- R7.4.2 Revocation of certificates and alternate sanctions
- R7.4.3 Violations and penalties

780 CMR R7.1 GENERAL PROVISIONS

R7.1.1 Title: 780 CMR R7 entitled "Certification of Inspectors of Buildings, Building Commissioners and Local Inspectors" (hereinafter collectively referred to as Building Code Enforcement Officials) is authorized and promulgated by the State Board of Building Regulations and Standards under the authority of M.G.L. c. 143, §§ 3 and 94.

R7.1.2 Definitions: Any terms not herein defined shall assume the definition of the term as used in the Massachusetts State Building Code (780 CMR).

BBRS: State Board of Building Regulations and Standards

Registrant: Any individual registered with the Board of Building Regulations and Standards (BBRS) as a building code enforcement official in the capacity of an inspector of buildings/building commissioner or local inspector.

R7.1.3 Scope, intent: 780 CMR R7 shall control all matters relating to qualifications and certification of all building code enforcement officials engaged in or to be engaged in the administration and enforcement of 780 CMR, categories of certified building code enforcement officials; procedures for application, issuance, denial and revocation of certifications; approval of training and/or educational programs offered to meet the requirements for certification; maintenance of certification through continuing

THE MASSACHUSETTS STATE BUILDING CODE

education; application fees for certification; and enforcement of 780 CMR R7.

It is the purpose of 780 CMR R7 to establish standards and procedures for certification, and to require all persons performing duties with respect

R7.1.4 Powers and Duties: The BBRS, working through the Administrator and the Board staff, shall have the following responsibilities in addition to all others provided in 780 CMR R7.

R7.1.4.1 Upon recommendations from the Building Official Certification Committee, established under 780 CMR R7.1.5, to issue certifications to individuals deemed qualified as provided for herein.

R7.1.4.2 To maintain accurate records of all applications for certification and any official action thereon and to make such records available for inspection by the public at all reasonable times.

R7.1.4.3 To suspend or revoke a certification provided for herein upon the establishment of good cause.

R7.1.4.4 Any person aggrieved by any notice, action, ruling or order of the Board, or the Building Official Certification Committee with respect to 780 CMR R7, may have a right to a hearing as provided for by law.

R7.1.5 Inspector Certification Advisory Committee (Building Official Certification Committee):

R7.1.5.1: There is hereby established in the BBRS the Inspector Certification Advisory Committee hereafter known as *the Building Official Certification Committee*. This Committee shall be supported by such staff of the BBRS as may be required for the effective operation of 780 CMR R7.

R7.1.5.2 Powers and Duties: The Building Official Certification Committee shall have the responsibility to advise and to recommend to the BBRS on all items relating to the certification of building code enforcement officials, including, but not limited to:

- a. issuance of certificates
- b. review of credentials of applicants
- c. maintenance of applicant records
- d. hearing of complaints and appeals pertaining to inspector certification
- e. review and approval of all courses of study, seminars, and other educational programs as deemed necessary, for credit toward continuing education requirements.

to the inspection of building construction for any political subdivision within the Commonwealth to be certified as provided in 780 CMR R7.

f. monitoring all appointments to assure compliance with 780 CMR R7.

g. reciprocity may be considered upon petition of the Building Official Certification Committee on forms provided for such purpose.

R7.1.5.3 Make-up of the Committee: The *Building Official Certification Committee* shall consist of nine members appointed by the BBRS as follows: (Terms of committee members are as established by lot at the March 31, 1993 meeting.)

- a. One member of the BBRS or his/her designee
- b. Six members who are active building officials consisting of:
 - One member from each of the three Municipal Building Official's Associations (Southeastern Building Officials Association, Building Officials of Western Massachusetts, Massachusetts Building Commissioners and Inspectors Association).
 - Three members at large to be appointed by the BBRS.
- c. One member from academia who is an educator of construction at the college level (e.g. architectural, civil, structural) to be appointed by the BBRS.
- d. One member of the Massachusetts Municipal Association.

R7.1.6 Categories of Certification:

R7.1.6.1 Categories of certification for building code enforcement officials are as follows:

R7.1.6.1.1 Inspector of Buildings or Building Commissioner: An individual certified as an inspector of buildings building commissioner shall perform the duties as defined in 780 CMR 105.3 and M.G.L. c. 143.

R7.1.6.1.2 Local Inspector: An individual certified as a local inspector shall perform the duties as defined in 780 CMR 105.4 and M.G.L. c. 143.

R7.1.6.1.3 Conditional appointment of a building code enforcement official: A conditional appointee shall meet the

CERTIFICATION OF INSPECTORS OF BUILDINGS, BUILDING COMMISSIONERS
AND LOCAL INSPECTORS

requirements of 780 CMR R7.1.7.4 through 1.7.6.3.

R7.1.6.1.4 Alternate inspectors of buildings/ building commissioners: An alternate inspector of buildings/building commissioner shall be certified prior to appointment.

R7.1.7 Certifications required:

R7.1.7.1: After November 12, 1992, no individual shall be permanently appointed to the

R7.1.7.2 Reporting by appointing authorities: Immediately upon the appointment of an inspector of buildings, building commissioner or local inspector, the appointing authority shall notify the BBRS in writing on forms provided for such purpose of the name of the appointee, the appointed position and the date of appointment.

R7.1.7.3: Any individual employed as inspector of buildings, building commissioner or local inspector and who was in office on November 12, 1992 and who was qualified (in accordance with M.G.L. c. 143, § 3) to be in office at time of hire, and who has presented acceptable evidence of these facts to the BBRS, shall be deemed certified in the category held on said date, and shall be provided with a certificate by the BBRS.

R7.1.7.4 Conditional Appointments: After November 12, 1992, individuals who meet or exceed the experience requirements pursuant to M.G.L. c. 143, § 3 and 780 CMR but who are not certified under the provisions of 780 CMR R7 may be appointed on a conditional basis only.

R7.1.7.5 Regulations for the Conditional Appointment of Building Code Enforcement Officials:

R7.1.7.5.1: Any individual conditionally appointed as a building code enforcement official, on or after November 12, 1992 who is not certified in the appropriate category of certification at the time of the conditional appointment; shall comply with the following:

- a. Immediately upon appointment, the appointing authority shall report the conditional appointment to the BBRS in accordance with 780 CMR R7.1.7.2.
- b. Within the first six months of employment the conditional appointee shall make application to take the examination(s) required for the appropriate

position of inspector of buildings, building commissioner or local inspector in a local enforcing agency for which a certification requirement has been established by 780 CMR R7, unless that individual has been deemed qualified and certified in that category by the Building Official Certification Committee.

R7.1.7.1.1 Conditional appointments:

Conditional appointments may be made pursuant to 780 CMR R7.1.7.4, 1.7.5 and 1.7.6.

category of certification as identified in 780 CMR R7.2.0.

c. Within one year following the first six months of employment the conditional appointee shall attain a passing score on all of the examinations required for the category of certification of the conditional appointment.

d. In accordance with 780 CMR R7.1.7.6, a conditional appointee may petition the Building Official Certification Committee in writing for an extension of time to comply with the examination schedule of 780 CMR R7. Upon establishment of cause, the Building Official Certification Committee may grant such extensions of time as it may consider appropriate.

R7.1.7.5.2: Conditional appointees shall notify the BBRS of any change in the status of their employment, within one month of such change.

R7.1.7.6 Requests for Extensions of Time to Comply with Examination Schedules:

R7.1.7.6.1: Any conditional appointee unable to comply with the examination schedule as cited in 780 CMR R7.1.7.5 may, for cause, be granted an extension of time in order to comply, upon written petition to the *Building Official Certification Committee*. Petitions shall be forwarded to the clerk of said committee, and addressed to the office of the BBRS (current address listed at the front of the building code). The conditional appointee shall state all reasons to substantiate the request for an extension of time.

R7.1.7.6.2: The Building Official Certification Committee shall, within ten days of any action taken by the committee pursuant to 780 CMR R7, notify the appointing authority in writing of such action.

THE MASSACHUSETTS STATE BUILDING CODE

780 CMR R7.2 REQUIREMENTS FOR INITIAL CERTIFICATION

R7.2.1 Application: Any candidate for certification in any category of building code enforcement official issued pursuant to 780 CMR R7 shall submit an application to the BBRs, accompanied by the required application fee as prescribed, on forms provided for this purpose by the BBRs. The application shall include such information and documentation as the BBRs may require pursuant to 780 CMR R7.

R7.2.2 Building Code Enforcement Officials in Office as of November 12, 1992: Upon receipt of acceptable evidence as established by the BBRs, signed by the city or town clerk and the appointing authority in attestation that the applicant for certification was employed in the

R7.2.4.1: All candidates shall meet or exceed the qualifications for the position of local inspector pursuant to M.G.L. c. 143, § 3 and 780 CMR prior to any examinations. The Board of Building Regulations via the certification committee shall approve all candidates prior to any examinations. The certification committee shall maintain a list of all qualified candidates for any and all city and towns appointing building officials.

R7.2.4.2: All candidates shall attain a passing score in all examinations required for certification as *either* a **Building Plans Examiner** *or* a **Building Inspector** under the Construction Code Inspector Certification Program of the Building Officials and Code Administrators International (BOCA).

R7.2.4.3 Prior approval for examination as a Local Inspector: No candidates shall be allowed to take said examinations without prior approval of the Board of Building Regulations and Standards or the certification committee at the Board's discretion.

R7.2.5 Requirements for Certification as an Inspector of Buildings/Building Commissioner:

R7.2.5.1: All candidates shall meet or exceed the qualifications for the position of local inspector pursuant to M.G.L. c. 143, § 3 and 780 CMR prior to any examinations. The Board of Building Regulations via the certification committee shall approve all candidates prior to any examinations. The certification committee shall maintain a list of all qualified candidates for any and all city and towns appointing building officials.

position of inspector of buildings, building commissioner or local inspector and met the qualifications requirements of said position pursuant to M.G.L. c. 143, § 3 and 780 CMR as of the date of hire, the applicant shall be deemed certified in the applicable category and shall be issued a certificate. The certificate shall indicate the name of the individual and the category of certification and other information as may be deemed necessary by the BBRs.

R7.2.3 After November 12, 1992, applicants for certification as a Building Code Enforcement Official shall meet the following requirements:

R7.2.4 Requirements for certification as a Local Inspector:

R7.2.5.2: All candidates shall meet the examination requirements for certification as a local inspector pursuant to 780 CMR R7.2.4.2 herein, or hold a certification as a local inspector pursuant to 780 CMR R7.

R7.2.5.3: All candidates shall attain passing scores in all examinations required for certification as a **Certified Building Official** under the Certified Building Official Program of the Council of American Building Officials (CABO).

R7.2.5.4 Prior approval for examination as a Local Inspector: No candidates shall be allowed to take said examinations without prior approval of the Board of Building Regulations and Standards or the certification committee at the Board's discretion.

780 CMR 7.3 REQUIREMENTS FOR MAINTENANCE OF CERTIFICATION**R7.3.1 Continuing education:**

R7.3.1.1: Within each three year period following initial certification, the registrant shall complete 45 hours of continuing education credit acceptable to the Building Official Certification Committee.

R7.3.1.2: The Committee may publish a list of acceptable educational programs, courses, seminars, and the like. The Committee may also accept educational activities in which registrants have participated after the fact, upon application and review of the course information. The Committee shall assign credits to each educational/training event.

R7.3.2 Renewal of certificate:

CERTIFICATION OF INSPECTORS OF BUILDINGS, BUILDING COMMISSIONERS
AND LOCAL INSPECTORS

R7.3.2.1 Term of certificate: Each certified individual shall maintain a record of his/her continuing education credits and forward such information to the office of the BBRS in care of the Building Official Certification Committee (address is listed at the front of the building code) as it is accumulated. The BBRS shall maintain a record of each inspector's progress.

At the end of each three year period, each inspector who has successfully maintained his/her continuing education credit shall be duly notified by the BBRS.

R7.3.3: In accordance with M.G.L. c. 143, § 99, no building code enforcement official attending BBRS required educational programs, shall lose any rights relative to compensation or vacation.

780 CMR R7.4 PROCEDURES FOR COMPLAINTS

R7.4.1 Complaints:

The complete file of complaint shall be available for inspection at the office of the BBRS during regular business hours. Parties may present written or oral evidence to refute or mitigate any charge contained in the complaint and present witnesses in his/her behalf. In the event that the committee votes to take action against said certification pursuant to this hearing, the building code enforcement official, upon notice of the decision, shall immediately comply with said orders.

R7.4.1.4 Continuation of hearings: the committee, in its discretion, may continue the date for hearing upon request by building official, the complainant or the committee itself.

R7.4.1.5 Timing of decisions: The committee shall make a decision within 15 days of the hearing. A written decision shall be issued within 30 days of the hearing date.

R7.4.1.6 Decisions: The decision shall be final and binding upon the building code enforcement official and the complainant.

R7.4.1.7 Notice of action: In the event that the committee votes to take action against said certification pursuant to this hearing, the building code enforcement official, upon notice of the decision, shall immediately comply with said orders.

R7.4.1.8 Appeal: Any person aggrieved by a decision of the committee may appeal such

R7.4.1.1 Cause for complaint: Any individual who has been alleged to have violated the provisions of 780 CMR R7 or 780 CMR may be entitled to a hearing in accordance with M.G.L. c. 30A before *the Building Official Certification Committee* or subcommittee thereof. A complaint shall be made in writing to the BBRS, attention; *Building Official Certification Committee*.

R7.4.1.2 Hearings on complaints: If a hearing is to convene, the committee shall give at least ten days notice to all those party to the complaint. The sending of notice to the address recorded on the records of the BBRS shall be deemed sufficient notice.

R7.4.1.3 Notice of hearings: The notice shall contain:

- a. The name of the complainant
- b. A copy of the complaint
- c. The date, time and place of said hearing.

decision to a court of law or equity in conformance with M.G.L. c. 30A, § 14.

R7.4.2 Revocation of certificates and alternative sanctions:

R7.4.2.1: The BBRS, upon recommendation of the Committee, and subject to the requirements of the Administrative Practices in accordance with M.G.L. c. 30A, may suspend or revoke a certification, or assess any other penalties as provided for by law, if it is determined that the registrant: (The following is not an exhaustive list.)

- a. Has obtained a certification by fraud or misrepresentation, or the person named in the certificate has obtained it by fraud or misrepresentation;
- b. Has aided or abetted in practice as a certified building code enforcement official any person not authorized to practice as a certified building code enforcement official under the provisions of 780 CMR R7;
- c. Has fraudulently or deceitfully practiced as a certified building code enforcement official,
- d. Has been grossly negligent or has engaged in misconduct in the performance of any of his duties;
- e. Has failed, over a period of time, to maintain continuing education requirements as specified in 780 CMR R7;
- f. Has been found to have failed to report an offer, or bribe, or other favor in a proceeding under 780 CMR R7 or other appropriate law of this or any other state or jurisdiction;

THE MASSACHUSETTS STATE BUILDING CODE

- g. Has made a false or misleading statement, or has made a material omission in any submission to the BBRS;
- h. Has failed to enforce the provisions of 780 CMR as prescribed by M.G.L. c. 143, § 3.

under the 780 CMR if that individual does not possess a certificate, unless such person is appointed subject to the provisions of 780 CMR R7 1.6.1.3. In addition to any other remedy available under law, such representation shall be deemed a violation of 780 CMR R7 and any other penalties as provided for by law.

R7.4.3 Violations and Penalties:

R7.4.3.1: It shall be a violation of 780 CMR R7 on or after November 12, 1992, for any individual to represent himself/herself to be qualified for a position that the individual does not currently hold, or to use a title or otherwise represent himself/herself to be qualified for a position that the individual does not currently hold, or to use a title or otherwise represent himself/herself as certified or authorized to act

R7.4.3.2: It shall be a violation of 780 CMR R7 on and after November 12, 1992, for any local enforcing agency to offer employment, to retain for employment or to permanently appoint any individual who is not certified in accordance with 780 CMR R7, except on a conditional basis in accordance with 780 CMR R7.1.6.1.3.

780 CMR: STATE BOARD OF BUILDING REGULATIONS AND STANDARDS
CERTIFICATION OF INSPECTORS OF BUILDINGS, BUILDING COMMISSIONERS
AND LOCAL INSPECTORS

NON-TEXT PAGE